

# ***NEWS RELEASE***

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## ***OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA San Diego, California***

***United States Attorney  
Carol C. Lam***

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***For Immediate Release***

### **NEWS RELEASE SUMMARY** - February 8, 2005

United States Attorney Carol C. Lam announced today that a federal grand jury sitting in San Diego handed up an indictment charging Michael Joseph Ellis, one of the owners of Metabolife International, Inc., with five counts of illegally possessing firearms and ammunition.

Ellis (who was convicted in 1990 of Unlawful Use of a Communication Facility to Facilitate a Drug Trafficking Offense, in violation of Title 21, United States Code, Section 843(b)) is charged with one count of Conspiracy to Illegally Possess Firearms and Ammunition, and four counts of Illegally Possessing Firearms, specifically: a loaded Smith & Wesson .44 magnum handgun and a loaded North American Arms .22 caliber handgun (Count 2); a Browning .22 caliber rifle (Count 3); a loaded Colt .45 caliber pistol (Count 4); approximately 500 rounds of Remington High Velocity .22 Long Rifle caliber ammunition; approximately 75 shells of Remington 12-gauge caliber ammunition; approximately 40 rounds of Remington High Velocity .30-30 Winchester caliber ammunition; two boxes of Remington Express 410-gauge ammunition; approximately five shells of Federal 12-gauge ammunition; and approximately 50 rounds of .22 Short caliber

ammunition (Count 5). Each count carries a maximum penalty of five years' imprisonment, and a \$25,000 fine.

United States Attorney Lam noted that these prosecutions were brought under federal statutes which prohibit convicted felons from possessing either firearms or ammunition. The United States Attorney said, "The law is clear: felons cannot possess dangerous weapons. If they do, we will prosecute them."

The United States Attorney also noted that both Ellis and Metabolife are currently facing federal charges related to making false, fictitious and fraudulent representations to the Food and Drug Administration ("FDA"). Until Congress banned the sale of ephedra in the United States in 2003, Metabolife was one of the largest retailers of dietary supplements in the United States, based largely on sales of its ephedra-based product, Metabolife 356.

United States Attorney Lam praised the efforts of the Internal Revenue Service, Criminal Investigation Division, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives which jointly investigated the case.

## **DEFENDANT**

Michael Joseph Ellis

## **SUMMARY OF CHARGES**

COUNT 1	Conspiracy in violation of Title 18, United States Code, § 371 Maximum penalty is 5 years in prison and/or a \$250,000 fine
COUNTS 2 - 5	Felon in Possession of a Firearm in violation of Title 18, United States Code, § 922(g)(1), and Aiding and abetting in violation of Title 18, United States Code, § 2. Maximum penalty is 5 years in prison and/or a 250,000 fine

## **AGENCIES**

Internal Revenue Service, Criminal Investigation Division  
Bureau of Alcohol, Tobacco, Firearms and Explosives

**An indictment itself is not evidence that the defendant committed the crimes charged. The defendant is presumed innocent until the Government meets its burden in court of proving guilt beyond a reasonable doubt.**